

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-versus-

STEVEN DONZIGER,

Defendant.

19-CR-561 (LAP)

11-CV-691 (LAK)

ORDER

LORETTA A. PRESKA, SENIOR UNITED STATES DISTRICT JUDGE:

On July 22, 2020, the Court entered an order directing the special prosecutors to produce redacted excerpts of the invoices they submitted to the Southern District of New York for their work and expenses on this case. (Dkt. nos. 108, 109.) The next week, Mr. Donziger filed a letter (1) seeking "copies of any forms generated as part of these invoices, or in response to these invoices," and (2) requesting that the prosecutors produce documents or make an individualized showing as to why specific invoice entries should not be disclosed. (Dkt. no. 114.) Mr. Donziger's requests are GRANTED in part and DENIED in part.

As to Mr. Donziger's first request, upon reviewing each invoice from the special prosecutors and finding that it was in good order, the Court sent a letter to the District Executive's Office approving the invoice for payment. The invoice approval letters are attached to this order at Appendix A.

As to Mr. Donziger's second request, no disclosure beyond what the Court directed in its July 22 order is warranted at this point. Mr. Donziger is incorrect in arguing that United States v. Suarez, 880 F.2d 626 (1989) requires the production of "all information related to the public payment of attorneys in a criminal case . . . absent a particularized showing." (Dkt. no. 112 at 1.) In Suarez, the Court of Appeals emphasized that the scope of the requested information was "narrow," covering only "barebones data" provided in CJA payment coversheets "with none of the detail or back-up information, such as attached timesheets." 880 F.2d at 631. Mr. Donziger, by contrast, is asking for invoices with the very kind of detailed timesheet information that was not at issue in Suarez. Given that distinction, nothing in Suarez requires the special prosecutors to make an individualized showing as to each timesheet entry. Mr. Donziger may renew his request for complete invoices once the case closes and there is no risk of revealing trial strategy or violating work-product protection for the prosecution. See United States v. Gonzalez, 150 F.3d 1246, 1262 (10th Cir. 1998) (upholding order for the release of CJA vouchers at the end of trial and rejecting arguments for immediate release).

For the foregoing reasons, Mr. Donziger's request is GRANTED in part and DENIED in part without prejudice to reapplication upon the conclusion of the case.

SO ORDERED.

Dated: August 18, 2020
New York, New York

LORETTA A. PRESKA, U.S.D.J.

APPENDIX A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

LORETTA A. PRESKA
SENIOR UNITED STATES DISTRICT JUDGE

212-805-0240
FAX 805-7941

July 7, 2020

James Puskuldijian
United States District Court
Daniel Patrick Moynihan
500 Pearl Street, Suite 820
New York, NY 10007-1312

Re: United States v. Donziger, 19-Cr-561

Dear James,

I have reviewed the Seward and Kissel invoice for May 2020 (Invoice Number 9160012212) and find it to be in good order. Accordingly, the invoice is approved for payment.

Thank you for your assistance.

Sincerely,


Loretta A. Preska

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

LORETTA A. PRESKA
SENIOR UNITED STATES DISTRICT JUDGE

212-805-0240
FAX 805-7941

June 1, 2020

James Puskuldijian
United States District Court
Daniel Patrick Moynihan
500 Pearl Street, Suite 820
New York, NY 10007-1312

Re: United States v. Donziger, 19-Cr-561

Dear James,

I have reviewed the Seward and Kissel invoice for April 2020 (Invoice Number 9160010576) and find it to be in good order. Accordingly, the invoice is approved for payment.

Thank you for your assistance.

Sincerely,


Loretta A. Preska

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

LORETTA A. PRESKA
SENIOR UNITED STATES DISTRICT JUDGE

212-805-0240
FAX 805-7941

May 6, 2020

James Puskuldijian
United States District Court
Daniel Patrick Moynihan
500 Pearl Street, Suite 820
New York, NY 10007-1312

Re: United States v. Donziger, 19-Cr-561

Dear James,

I have reviewed the Seward and Kissel invoice for 2020 (Invoice Number 9160009516) and find it to be in good order. Accordingly, the invoice is approved for payment.

Thank you for your assistance.

Sincerely,


Loretta A. Preska

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

LORETTA A. PRESKA
SENIOR UNITED STATES DISTRICT JUDGE

212-805-0240
FAX 805-7941

March 31, 2020

James Puskuldijian
United States District Court
Daniel Patrick Moynihan
500 Pearl Street, Suite 820
New York, NY 10007-1312

Re: United States v. Donziger, 19-Cr-561

Dear James,

I have reviewed the Seward and Kissel invoice for February 2020 (Invoice Number 9160007716) and find it to be in good order. Accordingly, the invoice is approved for payment.

Thank you for your assistance.

Sincerely,


Loretta A. Preska

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

LORETTA A. PRESKA
SENIOR UNITED STATES DISTRICT JUDGE

212-805-0240
FAX 805-7941

March 11, 2020

James Puskuldjian
United States District Court
Daniel Patrick Moynihan
500 Pearl Street, Suite 820
New York, NY 10007-1312


Re: United States v. Donziger, 19-Cr-561

Dear James,

I have reviewed the Seward and Kissel invoice for January 2020 (Invoice Number 9160007264) and find it to be in good order. Accordingly, the invoice is approved for payment.

Thank you for your assistance.

Sincerely,



Loretta A. Preska

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

LORETTA A. PRESKA
SENIOR UNITED STATES DISTRICT JUDGE

212-805-0240
FAX 805-7941

January 27, 2020

James Puskuldjian
United States District Court
Daniel Patrick Moynihan
500 Pearl Street, Suite 820
New York, NY 10007-1312

Re: United States v. Donziger, 19-Cr-561

Dear James,

I have reviewed the Seward and Kissel invoice for December 2019 (Invoice Number 916005797) and find it to be in good order. Accordingly, the invoice is approved for payment.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Loretta A. Preska". The signature is written in a cursive, flowing style.

Loretta A. Preska

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

LORETTA A. PRESKA
SENIOR UNITED STATES DISTRICT JUDGE

212-805-0240
FAX 805-7941

January 22, 2020

James Puskuldijian
United States District Court
Daniel Patrick Moynihan
500 Pearl Street, Suite 820
New York, NY 10007-1312

Re: United States v. Donziger, 19-Cr-561

Dear James,

I have reviewed the Seward and Kissel invoice for November 2019 and find it to be in good order. Accordingly, the invoice is approved for payment.

Thank you for your assistance.

Sincerely,


Loretta A. Preska

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

LORETTA A. PRESKA
SENIOR UNITED STATES DISTRICT JUDGE

212-805-0240
FAX 805-7941

December 3, 2019

James Puskuldjian
United States District Court
Daniel Patrick Moynihan
500 Pearl Street, Suite 820
New York, NY 10007-1312

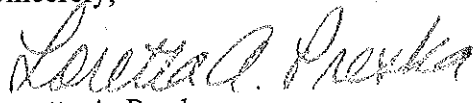
Re: United States v. Donziger, 19-Cr-561

Dear James,

I have reviewed the Seward and Kissel invoice for October 2019 (Invoice Number 9160004202) and find it to be in good order. Accordingly, the invoice is approved for payment.

Thank you for your assistance.

Sincerely,


Loretta A. Preska

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

LORETTA A. PRESKA
SENIOR UNITED STATES DISTRICT JUDGE

212-805-0240
FAX 805-7941

October 28, 2019

James Puskuldjian
United States District Court
Daniel Patrick Moynihan
500 Pearl Street, Suite 820
New York, NY 10007-1312

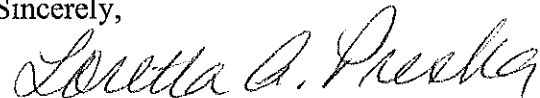
Re: United States v. Donziger, 19-Cr-561

Dear James,

I have reviewed the Seward and Kissel invoice for September 2019 (Invoice Number 9160001601) and find it to be in good order. Accordingly, the invoice is approved for payment.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, reading "Loretta A. Preska".

Loretta A. Preska